


**KILPATRICK
STOCKTON LLP**

Attorneys at Law

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August 1, 2005

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 SMacDonald@KilpatrickStockton.com
FAX

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Centralized Fax Department OIPE	571-273-8300	United States Patent & Trademark Office Alexandria, Virginia

 Stephen C. MacDonald
 FROM

 13
 PAGES (WITH COVER)

 55979-0200
 REFERENCE NO

 55979-314570
 CLIENT/MATTER NO.

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COMMENTS

The facsimile confirmation of the Patent Office imprinted hereon will acknowledge receipt of:

Inventor(s): Juan Jose Legarda Ibanez

Serial No.: 10/622,068

Filed: July 15, 2003

 Title: Use of Flumazenil in the Production of a Medicament for the Treatment of
 Cocaine Dependency

 Papers Submitted: Petition to Withdraw Holding of Abandonment; Statement in Support
 of Petition to Withdraw Holding of Abandonment including Exhibit 1 and 2

Docket No.: 55979-0200 (55979-314570)

Date Faxed: August 1, 2005

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ATLANTA AUGUSTA CHARLOTTE LONDON MIAMI RALEIGH RESTON STOCKHOLM WASHINGTON WINSTON-SALEM

AUG 01 2005

Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JUAN JOSE LEGARDA IBANEZ

Serial No. 10/622,068

Art Unit: 1614

Filed: July 15, 2003

Examiner: Unknown


For: USE OF FLUMAZENIL IN THE PRODUCTION OF A MEDICAMENT
FOR THE TREATMENT OF COCAINE DEPENDENCYPETITION TO WITHDRAW HOLDING OF ABANDONMENT AND
NOTICE OF PREVIOUS TIMELY MAILED CORRESPONDENCE
UNDER 37 C.F.R. § 1.8(b)Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicant named in the patent application identified above hereby petitions under 37 C.F.R. § 1.8(b) to withdraw the holding of abandonment for this patent application.

The above-referenced patent application went abandoned on December 18, 2003 for failure to respond to a Notice to File Missing Parts. A routine status check of PAIR on July 15, 2005 revealed that the status of this application changed to ABANDONED as of June 7, 2005. No Notice of Abandonment was mailed. This petition is filed within two months of the date on which the Applicant became aware of the abandonment of the application on PAIR.

I hereby certify that this correspondence is being sent to the United States Patent and Trademark Office via facsimile transmission to 571-273-8300 attention Centralized Fax Department on August 1, 2005.


Stephen C. MacDonald, Ph.D. - Reg. No. 1,0063

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
U.S.S.N. 10/622,068
PAGE 2

STATEMENT OF FACTS

1. A Notice to File Missing Parts was mailed in the above-identified application on October 17, 2003 stating that the period for response was two months from the mailing date of the Notice.

2. A Response to the Notice to File Missing Parts was mailed on December 22, 2003 along with a Petition for a One Month Extension of Time. A copy of this Response is included herewith.

3. A Certificate of Mailing under 37 C.F.R. 1.8 was included on the first page of this Response submitted on December 22, 2003 signed by Legal Assistant Connie Kwon at Irell & Manella LLP.

4. This application was transferred to Kilpatrick Stockton LLP in April, 2005. A Revocation and Power of Attorney was filed on April 1, 2005 in this application. A review of PAIR in April, 2005, indicated that this application was still pending and awaiting examination.

5. A routine internal status check in July 2005 revealed that the status of this application was changed on June 7, 2005 to "Abandoned- Incomplete Application (Pre-examination)" for failure to respond to the Notice to File missing Parts mailed on October 17, 2003. No Notice of Abandonment was ever received.

6. A subsequent review of our files indicated that while a Response to the Notice to File Missing Parts was mailed and a copy remained in our file, no return postcard was

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
U.S.S.N. 10/622,068
PAGE 3

received from the Office for this submission providing evidence that the Office failed to receive this submission.

FILING OF DOCUMENTS UNDER 37 C.F.R. 1.8

Under 37 C.F.R. 1.8(b), the correspondence will be considered timely if: 1) the Patent Office is notified of the previous mailing of the correspondence promptly after becoming aware that the Patent Office has no evidence of the receipt of this correspondence, 2) an additional copy of the correspondence is supplied, and 3) a statement which attests on a personal knowledge basis to the previous timely mailing of the correspondence is included.

Pursuant to the requirements of 37 C.F.R. §1.8(b)(1-3), and a telephone conference with the Office of Petitions at the United States Patent and Trademark Office, the Applicant submits the following:

- (1) Notice to the Patent Office, in the form of this Petition, of the previous mailing of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) the Statement of Connie Kwon of Irell & Manella LLP which attests on a personal knowledge basis to the previously timely mailing of the correspondence, and
- (3) the previously mailed reply to the outstanding notice: Notice to File Missing Parts (attached as an exhibit to the Statement of Connie Kwon).

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
U.S.S.N. 10/622,068
PAGE 4

RELIEF REQUESTED

The Applicant respectfully requests that this application be revived and restored to pending status for examination on the merits.

It is believed that no fee is required for this submission. However, should a fee be required for this Petition, the Commissioner is hereby authorized to charge any fees required, to Account No. 11-0855. The Applicant also requests that the fees paid by deposit account charge in the Response to the Notice to File Missing Parts filed December 22, 2003 be charged instead to Deposit Account No. 11-0855.

Respectfully submitted,



Stephen C. MacDonald, Ph.D.
Reg. No. L0063

Kilpatrick Stockton LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia 30309
Tel: (404) 815-6500
Fax: (404) 815-6555
Attorney Docket No. 55979-0200 (314570)

AUG 01 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

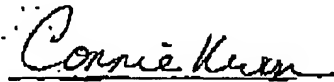
APPLICANT: Juan Jose Legarda Ibanez
SERIAL NO.: 10/622,068 **GROUP ART UNIT:** 1614
FILED: July 15, 2003 **EXAMINER:** Not assigned
FOR: USE OF FLUMAZENIL IN THE PRODUCTION OF A MEDICAMENT FOR THE
TREATMENT OF COCAINE DEPENDENCY

**STATEMENT IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF
ABANDONMENT FOR NON-RECEIPT OF TIMELY FILED RESPONSE
UNDER 37 CFR 1.8(b)(3)**

1. My name is Connie Kwon and I have personal knowledge of the facts set forth in this Statement.
2. I am a legal Assistant at the law offices of Irell and Manella LLP, 1800 Avenue of the Stars, Suite 900, Los Angeles, CA, 90067.
3. A Notice to File Missing Parts was mailed in the above-identified application on October 17, 2003. A copy of this Notice is enclosed herewith.
4. A Response to the Notice to File Missing Parts was mailed on December 22, 2003. A copy of this Response is enclosed herewith.
5. A certificate of mailing under 37 C.F.R. 1.8 is included on the first page of this Response submitted on December 22, 2003. My name and signature are on this Certificate of Mailing.
6. I attest on personal knowledge basis to the timely mailing of this Response to Notice to File Missing Parts on December 22, 2003.

U.S. Serial No. 10/622,068

6. I attest on personal knowledge or basis to the timely mailing of this
Response to Notice to File Missing Parts on December 22, 2003.



Connie Kwon
Legal Assistant- Irell & Manella LLP

Date: July 28, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/622,068	07/15/2003	Juan Jose Legarda Ibanez	158235-0009

29000
IRELL & MANELLA LLP
1800 AVENUE OF THE STARS
SUITE 900
LOS ANGELES, CA 90067

CONFIRMATION NO. 1834

FORMALITIES LETTER

OC000000011057056

Date Mailed: 10/17/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of \$42 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$492 for a Small Entity

- \$385 Statutory basic filing fee.

- \$66 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$42
 - \$42 for 1 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: Juan Jose Legarda Ibanez
Serial No.: 10/622,068
Filed: July 15, 2003
For: USE OF FLUMAZENIL IN THE PRODUCTION OF A
MEDICAMENT FOR THE TREATMENT OF COCAINE
DEPENDENCY

MISSING PARTS

Attorney(s): Carol A. Schneider
Docket No.: 158235-0009
Date of Deposit: December 22, 2003
Enclosure(s): Transmittal Letter; Assignment; Assignment Recordation Form
Cover Sheet; Declaration; Power of Attorney; Copy of notice to
file missing parts of nonprovisional application; Return Postcard

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158235-0009

AUG 01 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the U.S. Patent Application of:

Inventor(s) : Juan Jose Legarda Ibanez

Serial No. : 10/622,068

Filed : July 15, 2003

For : USE OF FLUMAZENIL IN
THE PRODUCTION OF A
MEDICAMENT FOR THE
TREATMENT OF COCAINE
DEPENDENCY

Examiner : Not yet assigned

Art Unit : 1614

CERTIFICATE OF MAILING
UNDER 37 CFR 1.8**December 22, 2003**I hereby certify that this paper or fee is being deposited with
the United States Postal Service as First Class Mail on the date
indicated above and is addressed to the Commissioner of
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.Connie Kwon

Typed or Printed Name of Person Mailing Paper or Fee

Connie Kwon

Signature of Person Mailing Paper or Fee

TRANSMITTAL LETTERMail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following:

- ☒ Form PTO1533 Notice to File Missing Parts mailed October 17, 2003.
- ☒ Executed Declaration(s)
- ☒ Recordation Cover Sheet and Assignment(s)
- ☒ Power(s) of Attorney
- ☒ Postcard acknowledging receipt of the documents transmitted.
- ☒ Charge Deposit Account No. 09-0946 in the amount of \$588.00.

Serial No.: 10/622,068

FEE COMPUTATION:

CLAIMS AS FILED

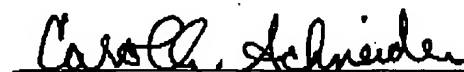
	Number Filed	Number Extra		Rate		Basic Filing Fee	\$	770.00
Total Claims	18	-20	=	0	x	\$18	\$	0.00
Independent Claims	4	-3	=	1	x	\$86	\$	86.00
<input type="checkbox"/> Multiple Dependent Claim(s) (37CFR 1.16(d)) (\$290.00)							\$	0.00
						Filing Fee	\$	856.00
<input checked="" type="checkbox"/> Surcharge as set forth in 37 CFR 1.16(e)							\$	130.00
<input checked="" type="checkbox"/> Petition is hereby made to extend the <u>original</u> due date of <u>December 17, 2003</u> to cover the date of this paper and any enclosure for which the requisite fee is (1 mo. \$110); (2 mo. \$420); (3 mo. \$950); (4 mo. \$1,480); (5 mo. \$2,010).							\$	110.00
						Subtotal	\$	1,096.00
<input checked="" type="checkbox"/> If Small Entity claimed, subtract one-half of subtotal shown above							- \$	548.00
						Subtotal	\$	548.00
<input checked="" type="checkbox"/> Assignment recordation fee (\$40.00)							\$	40.00
						TOTAL FEE ENCLOSED	\$	588.00

☒ Charge Deposit Account No. 09-0946 in the amount of \$588.00.

☒ No additional fees are believed to be due. If an extension of time is required for this paper or later filed papers, please consider this a petition for the required extension of time. Please charge any required petition fees, and any other fees, except for payment of the issue fee, and charge any underpayment or credit any overpayment during the prosecution of this application to our Deposit Account No. 09-0946.

Respectfully submitted,

Date: December 22 2003

Carol A. Schneider
Registration No. 34,923IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
Telephone: (310) 277-1010
Facsimile: (310) 203-7199
E-mail: cschneider@irell.com

Patent
Serial No.: 10/622,068
Docket No.: 158235-0009

DECLARATION
Utility Application

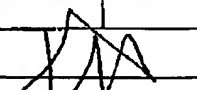
As a below named inventor, I hereby declare that
My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **USE OF FLUMAZENIL IN THE PRODUCTION OF A MEDICAMENT FOR THE TREATMENT OF COCAINE DEPENDENCY**, the specification of which was filed on July 15, 2003 as United States Application Serial No. 10/622,068.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No
PCT/ES02/00061	PCT	February 8, 2002	X	
P 200100342	ES	February 15, 2001	X	

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Juan	MIDDLE Name Jose	LAST Name LEGARDA IBÁÑEZ	
	RESIDENCE & CITIZENSHIP	City Madrid	State or Foreign Country Spain	Country of Citizenship Spain	
	POST OFFICE ADDRESS	Avenida Fuentelarreina 8	City 28035 Madrid	State or Country Spain	Zip Code 28035
INVENTOR'S SIGNATURE 			DATE 10/11/03		

Transaction List

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(MMDDYY) Accounting Date Starts: Ends:
☒ Name/Number:
☐ Attny Docket No:
☐ Deposit Account No:



Accounting Date	Operator ID	Seq No.	Txn Src	Fee Code	St	Amount	Name/Number	Dep Acct
08/05/2005	ECOOPER	301	SALE	8021	A	40.00	10622068	090946
01/19/2005	GTON11	99	SALE	8021	A	40.00	10622068	180580



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